

What is the International Community of States committed to in Afghanistan?

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Currently, the International Community's political as well as its military deployment in Afghanistan is in a decisive phase. Despite an increase of the means implemented, during the past years the International Community was incapable of improving the residents' life situation, particularly their safety and economic basic services. Although at the beginning of the deployment around the end of 2011, it appeared that the International Community did almost everything right: with the resolutions made on the Petersbergs (Petersbergs Tasks) and through the so-called Loja Jirga (the traditional summit of all Afghan tribe representatives), the Afghan people were supposed to be included in the political reconstruction.

It then took another five years, until the London Conference on Afghanistan took place in 2006, for the Community of States to meet anew; not only to make resources available for the political-economical reconstruction, but also to adopt an appropriate concept. Only the most significant aspects of this concept will be briefly outlined in this report:

Security within the country should be created through the fact that the "International Security Assistance Force" (ISAF) as well as the US-managed "Operation Enduring Freedom" (OEF) shall "render further emphatic support of the Afghan government during the creation and preservation of security and stability in Afghanistan...", further it was agreed upon that "All

illegal armed groups will be disbanded...” by Afghanistan’s Government.¹ With international support, the Afghan National Army and the Afghan National and Border Police will be trained and professionally reorganized. An administration should be created. The judicial system should be reformed, and a high, sustainable economic growth aspired. For this reason, public investments in the sectors of infrastructure and natural resources, education, health, agriculture and rural development and social protection, as well as the development of the private economic sector should come to pass. Drug cultivation should be combated by offering farmers economical alternatives, and fighting the corruption of officials with an enforced Zero-Tolerance Policy. *Benchmarks* have been agreed upon for all of these tasks. It is declared, amongst other things, that “All illegal armed groups will be disbanded by end-2007 in all provinces.”²

The expectations of the Afghans as well as the International Community have not been fulfilled in most of the areas. Afghanistan stands at the crossroads. With the London Conference in the spring of 2010, the International Community made a last attempt to change course. Today, I would like to pursue the question, which responsibilities (still) exist in the face of those unachievable, ideal objectives which were agreed upon on the Petersberg. In this regard, I do not challenge the legitimacy of the ISAF-deployment, but instead I place the question of what can ethically be required in the light of the conditions as they are currently instated in Afghanistan.

1. Priority for the Interests of the Afghan Population

As one observes the German debates concerning the international engagement in Afghanistan, the purpose of the measures are primarily the interests and security of Germany itself. The former terrorism consultant of the Federal Chancellery, Mr. Guido Steinburg, emphasizes that the situation in Afghanistan concerning the Schröder-Administration’s decision to commit troops

¹ The Afghanistan-Compact, http://www.karinkortmann.de/downloads/themen_afghanistan/Afghanistan_Compact.pdf 3.

² Der Afghanistan-Pakt, Anhang I, Sicherheit.

for the country's stabilization in the fall of 2001, "barely plays (played) a role. In fact, in the first instance it concerned the federal government's support of the USA after September 11th."³ From this perspective, stability in Afghanistan is instrumental for our security interests in reference to a functional alliance, and the price for it is solidarity with the USA in their *war on terror*. The interests of the affected Afghan populace only play a role insofar as the stability of their country was deemed a prerequisite for our mutual security. Respectively, after the London Conference of 2010, it was stated in the German Federal Republic's policy document: "The purpose of our efforts is greater security for Germany through the long-term stabilization of Afghanistan."⁴ This perspective has also determined the political actions for years.

To me, this approach appears inappropriate in two respects. Firstly, this concerns the question of how the state's interests will be represented. As in general the representation of one's own interests, the defense of one's own security interests is legitimate, insofar as it does not undermine the rightful interests of the remaining parties involved. In this case, I presume that every person and every humane community legitimately possesses interests and can stand for these: As a creature of need, man must rationally follow his basic interests of self-preservation. In the face of this often declared position, I see no ethical dilemma in the representation of individual or collective interests; on the contrary! In fact, the problem lies in the lack of consideration concerning the legitimate interests of other people and humane communities. To solve this problem, a modern constitutional democracy that is based on the concept of human rights, demands that citizens alternately concede each other those rights that represent our basic human condition. The analog problem arises between the countries. They follow interests as well, such as the guarantee of security or prosperity for their citizens. Such as individuals get caught up in conflict when representing their interests, countries are also capable of experiencing an unavoidable clash of conflicting interests. As a major step in the civilizing process, the International Community, along with the United Nation and the UN-Charte, have created an instrument that, at the least, principally allows international conflicts to be reliably solved based on International Rights; opposed to it remaining at the will of government players.

³ Guido Steinberg, *Im Visier von Al Qaida. Deutschland braucht eine Anti-Terror-Strategie*, Hamburg 2009, 64.

⁴ Vgl. Die Bundesregierung, *Positionspapier: Auf dem Weg zu Übergabe in Verantwortung: Das deutsche Afghanistan-Engagement nach der Londoner Konferenz (25.1.2010)*. Kritisch zu dieser Position äußert sich: VENRO, *Was will Deutschland am Hindukusch? VENRO-Positionspapier 7/2009*, S.7.

After the terrorist attacks on September 11th 2001, the UN Security council consequentially and immediately declared their responsibility, and on December 20th 2001, mandated the ISAF with the UN-Resolution 1386. The stabilization of Afghanistan lies in the interest of the International Community as the Afghanistan has become a haven for international terrorism that threatens the Community of States as a whole. However, the renowned statement, that Germany's security is being defended in the Hindu Kush, falls short in every aspect. In collective defense against international terrorism, Germany is engaged within the framework of the UN.

Secondly and from an ethical perspective, the poor and the weak are always opted for. Within the context of the Afghanistan deployment, this means we should commit ourselves to those who are suffering the most and those least capable of defending themselves. In Afghanistan, this is the civilian population; for the past thirty years, the people living there have been incessantly ensnared in a civil war. Due to the fact that Germany has assumed responsibility for the security and state-building in Northern Afghanistan for almost ten years, we have a special obligation towards the Afghan citizens. With this responsibility, we have raised hope within the Afghan populace and taken over a responsibility that does not allow us to turn our backs on this country in the near future, just because the entire situation is either becoming too expensive or too difficult to elucidate in campaign strategic moves, or that the altercation has become more violent than foreseeable at the beginning.

2. Political objectives must be realistic and at the same time, defined in an ethically responsible manner.

Instead of falling into a state of resignation or cynicism, political objectives must be defined in a realistic, achievable and ethically responsible manner. Which objectives must the efforts for a political realignment in Afghanistan (for the present, with help of the International Community) unconditionally achieve, if the ideal objectives of "democracy and human rights" appear unattainable on a short and medium term; even if these are principally aspired? Which political objectives are preferential in a tiered exigency?

Physical basic needs are elementary: the security of one's own life against attacks, in this case, a situation in which physical survival is extensively safeguarded. Beyond establishing minimum security, general conditions must be created in which people can meet their fundamental basic needs of nourishment, clothing and housing.

Despite contrarious commitments and right from the start, the International Community was not willing to make the required personnel and material means available, to enforce physical security countrywide. Due to this fact, cooperation with militia leaders and warlords appeared inevitable to achieve a minimal degree of most questionable "security" through this cooperation. Many Afghans view the warlords and militia leaders (who are quasi legitimized by this cooperation) as a threat, since their despotism can quickly transform into a menace to their own personal safety as well.

Physical safety always requires a minimum of legal security. In this case, the International Community evidently sought the false allies in Afghanistan. Thus, sectors of security and justice must be built up in unison in Afghanistan. In comparison to many *warlords* or militia leaders, the Afghan legal system and police could be capable of achieve legitimacy in the eyes of the Afghan people, if and insofar as they do not oppress the residents, but instead protect their rights. In the process and for example, the OECD has to all intents and purposes recommended that existing, traditional structures of rights, such as the Council of Elders be fallen back on, as they are "currently more effective, accessible, expeditious and more cost-efficient than the judicial system is."⁵

Since the *state building* has been confronted with massive difficulties, and the cooperation with militia leaders is counterproductive, further questions have arisen:

How can the first objective of physical survival be achieved and at the same time, keep the perspectives open of further developing of the rudimentary statehood in reference to continuously protecting human rights? Education, administration, media, and structures of

⁵ Jörg Krempel, Recht und Justiz am Hindukusch, HSFK-Standpunkte 1/2010,2.

political participation are required and also aspirable; however they are of lower priority. Lower priority is not defined as insignificant, but instead less urgent for direct survival. How can a political process that is implemented with the primary objective of “physical survival”, be put into action and sustained, to then strive for realizable interim objectives that will sustainably improve general living conditions?

Without unfurling this in detail, I believe it concerns the ideas of prioritization. It would help substantiate the old moral, theological principle “no one is obligated beyond one’s skills” in reference to the question: “given the prevailing circumstances, what are we primarily committed to in Afghanistan, and which objectives should be pursued in a second and third step?”

If mutual consent concerning the priorities of the political objectives exists, one must subsequently place the following question; under the given circumstances, through which measures can these objectives be best achieved?

3. In the Sense of Subsidiarity: Afghanistan must initially desire to combat the lack of rights and despotism on their own.

For Afghanistan, the core of the political process means bringing the country back into a community governed by the rule of law: into the international community and community of states, who are willing to solve conflicts between its citizens, as well as amongst one another, by means of recognizing the legitimate interests of others and resolving conflicts in legal processes. For a state as fragile as Afghanistan, this process is by no means at an end, and it is not foreseeable whether the country is capable of successfully coming to terms with this process in the near future!

The still rampant lack of rights and despotism in Afghanistan connected with wide-spread corruption is a problem that cannot be resolved from the outside. The International Community can only render support to these reform processes. As long as the relevant power elite does not want a solution to the problem, subsidiary external assistance (e.g., reorganization of the police force and justice) cannot bring about anything decisive.

The principle of subsidiarity demands that an individual or the family is initially responsible for what he/she can fulfill. Only when one is unable to cope, should the community, as the larger collective, lend support. Subsidiarity demands self-responsibility, ergo as far as possible and assistance in case it becomes necessary. The shortcoming analysis shows how serious the problem is along all levels.

The insurgent Taliban still tyrannizes a major part of the population, by imposing their radical-fundamentalist conception of social order upon them. At the same time, a situation similar to civil war has been created, in which rivaling factions fight for supremacy within the country; the western troops can barely avoid being a party in this power struggle.

Yet it also becomes clearer, that with the end of the Taliban regime in 2001, the despotism regime was not put to an end, but instead, replaced by a new form of lawlessness. During the past years, the corruption of the Karzai administration became distinctly evident. Neither investigations nor prosecutory sanctions were initiated for high-ranking officials who were generally presumed to be involved in human rights abuse and illegal activities. Persons suspected of abusing human rights are permitted to run for, and hold, office” according to the report from Amnesty International⁶. In everyday life, many Afghans have experienced that the right of the mighty and the influential reign. The Afghans deplore the fact that judges render judgments in favor of the highest bidder. Public positions, such as of a Governor, are sold; these governors refinance the costs by selling subordinate positions, such as of police chiefs, who in turn refinance in the same manner. Such as in most provincial main cities, those in power in Kabul lack the political will to implement a true legal system. This not only results in a lack of many legal foundations, but also in the fact that barely anyone holds the administration to account for the responsibilities delegated; although this has been explicitly agreed upon in the London Compact of 2006. Eight years after the Petersberger Conference and now, during the London Conference in 2010, the International Community, together with the Afghan government, is now dealing with the corruption problem for the first time.

⁶ Afghanistan, Amnesty International Report 2010, www.amnesty.de/jahresbericht/2010/afghanistan.

Germany and Italy took on special responsibility for building up the legal system in Afghanistan without really living up to the responsibilities; however, with the London Conference, a new effort has been made in this direction.

Up to now, the demands to end the prevailing „Culture of Impunity” and to begin building up a democracy have fallen through due to the mutual pragmatic unwillingness of the Afghans in charge, as well as those people in charge of the International Community. For the further required build-up of an Afghan democracy, it first and foremost requires a citizens’ consensus. Justice lives off the recognition of the members of a cooperative society and not primarily from oppressive enforcement. Due to the fact that the intervening countries cannot render enforcement from the outside, this process takes time that is not measureable in months or years, but rather in decades.

4. Self-serving interests may not dominate

The individual interests of powerful countries still strongly dominate the actions of the United Nations. At the end of the day, the absent success in Afghanistan has to do with the fact of uncoordinated assistance and the lack of a strong UN, so that the benevolent reconstruction aid of the states takes place without efficient coordination. In its progress report for Afghanistan for the years 2001 to 2009, the German government candidly admits to this deficit, as stated in December 2010, “The International Community of States now follows (sic!) a mutual strategy.” In other words: Previously, everyone pursued their own strategies.

The International Community’s current structural problem remains insurmountable as long as the countries are not seen along the side of a coequal UN, as international players capable of balancing individual interests and putting the essential necessities into place for a global common welfare. It should be required of a foreign policy that it is oriented to ethical principles, not undermine the further development of the United Nations in reference to the described objective, but in its place, actively promote the same.

5. Whoever wants the objective, should also provide the means

Political objectives must be backed by respective means; otherwise it is predictable that these objectives will fail. This also applies to civilian reconstruction as well as for the military mission. The experience drawn from many international engagements teaches us that the civil reconstruction of public administrative structures also encompasses the legal system, police as well as the fundamental infrastructure; this all depends on the degree of destruction, and last but not least the organization of political sharing, to avoid immediately alluding to democracy. Three problems have been demonstrated in Afghanistan in the past years:

Firstly, and since 2002, the impending uprising has been answered with the allocation of further resources, particularly with the deployment of additional troops; without questioning the blatantly wrong political strategy that has neither stopped the rebellion Taliban in the past nine years, nor been capable of convincing the majority of the population. However, if the implemented political-military strategy is not conducive, it should be re-examined; a shift to the midplane cannot lead to success.

Auch Deutschland hat über Jahre seine Zusagen beispielsweise für die Entsendung von Polizeiausbildern nicht eingelöst. Secondly, financial and personnel means were promised at conferences of donor countries, which in very few cases were then actually provided for the rehabilitation. Germany has yet to honor its promise, e.g., to deploy police trainers. In 2002, Germany agreed to train the Afghanistan National Police (ANP). Although a officers training academy was built up and the organizational structure reformed, the actual objective of building up a functional police department failed: instead of the promised 62,000 police officers, only 5,000 police officers of middle and higher ranks were vocationally trained by the beginning of 2010; 14,000 officers received skill enhancement. The transfer of this assignment to the EU in 2007 couldn't conceal this deficit: „At this point in time, as the USA were represented by 3,000 police trainers in Afghanistan, Germany suggested that the EU-Mission be equipped with 200

police force professionals.“⁷ The number of EU-police force trainers was raised to 400, however, Germany’s deployment could not take place, due to the fact that no personnel was held in store for these cases. Whereas the German armed forces have held troops in store for the military part of the deployment, comparable human resources are missing in Germany, for example, for the professional training of the policemen in Afghanistan. Italy and Spain, with their Carabinieri or Guardia Civil, already have installed long-standing respective police units; With the structure reform of the German Federal Police on March 1st, 2008, Germany installed two foreign deployment groups of one hundred officers; in total, 240 police officers have been positioned in the department of the Federal Minister of the Interior of the Federal Republic of Germany. In the light of the original promises made by the Federal Government, this is only a beginning. Identical deficits exist for other areas of the civil reconstruction: deployable administrative officers, judges, trainers for educational personnel, etc. are lacking.

Thirdly, soldiers have been complaining for years that political leaders have been giving military orders for which the required personnel or technical resources are not, or only insufficiently, available. The statement that helicopters are lacking in Afghanistan should suffice at this point. Accordingly, the former Inspector General, Harald Kujat, asks: “Have we even provided Col. Klein, who commanded the Kundus attack on September 4th, with the appropriate means, so that he might have decided otherwise?”⁸ With the remark concerning the missing means, retired General Kujat strikes out a share of responsibility of those persons politically responsible for the assignment in the midst of insufficient material equipment. In Germany, military assignments are carried out by resolution of the German Federal Parliament. Herewith, the parliament not only sovereignly and principally takes over the responsibility for the military assignment, but also the responsibility that appropriate means are made available for the execution of the assignment:

This concerns the personnel coverage as well as the material equipment. When an overambitious political objective is carried out with insufficient means, negative consequences are foreseeable.

⁷ Ronja Kempin, Verschenkte Jahre bei der Polizeiausbildung, www.zeit.de/politik/ausland/2010-01/polizeiausbildung-afghanistan-3 (28.1.2010).

⁸ zitiert nach: Sergej, ist das Krieg? Lohnt sich das? Stefan Aust und Claus Richter zeigen das „Sterben für Afghanistan“, in: FAZ, 16.3.2010, S.35

At the end of the day, if someone wants to achieve the objective, he must also want the necessary means and make them available. Inversely, the following applies; if someone does not provide the necessary means, he does not seriously want to achieve the objective!

6. The Principle of *Ownership*: The Afghan Society must develop their own political system by themselves.

Only if the political decisions concerning the country's reconstruction are majorly made by the Afghan people, and thus, making it their own business, can a sustainable state and economic build-up be successful. This principle originates from developmental cooperation and has not been taken into serious consideration during the decision-making process concerning Afghanistan's political future. Therefore, the attempt to introduce a democratic system has momentarily failed, due to the fact that the decision concerning the political model was made in the West, and despite the Loja Jirga, this decision does not carry the signature of Afghanistan. Today, we see clearer than we did nine years ago that the prerequisites for the build-up of a democratic constitutional state in Afghanistan are, on a medium-term at the least, are not given.

During the course of history, Afghanistan as a country has not been formed through internally-steered processes; instead, can be described as an incoherent network of tribes that, at the most, have reached an embryonic status. Beyond that, the country borders were mapped out by the colonial powers of British India and Russia and divide the traditional tribal areas. Therefore, the country borders are experienced as artificial and less relevant for political decisions; often, the orientation to traditional tribal areas (that may also lie outside of the country borders) is more important.

The civil war that has been raging since 1979 has led to a vast erosion of public orderliness that even the Taliban has not rebuilt. With the Petersberger Conference (2001), the objective to build up a democratic country has been specified. The assumption behind this (that is widely shared by western politics and sciences) is that the institutionalization of formal democratic structures can create a democratic, political culture, which in turn bears a long-term, peaceful conflict resolution mechanism.

However, according to Almut Wieland-Karimi, up to now, significant basic conditions for a democracy in Afghanistan have not been developed: One cannot vote for political ideas or movements, but rather only for individual persons. Due to the fact that the Afghan society lacks the requirements for a democracy, they have fallen back on the existing client structure to organize majorities, e.g. for President Karzai's election. The cooperation with and integration of regional leaders (warlords, commanders and tribal leaders) was inevitable from a power-political aspect. In the eyes of western-oriented urban Afghans, this discredited the idea of democracy.

In a remarkable study, Florian Kuhn brought to attention that those governing in Kabul have oriented themselves to the interests of the International investors, as their power is dependent upon the financing of those investors. The interests of the Afghan populace is not of significance for the preservation of power, as the populace pays no taxes and thus, they cannot put any effective pressure on the government and ergo, would have no opportunity of demanding accountability of those governing. Kuhn states: as long as Afghanistan is more dependent on foreign money than its own tax revenues, any government would rather orient itself to the interests of those foreign investors than to the interests of its own people.⁹

The International Community has its own interests to build up the country of Afghanistan; to realize own security interests, even if the means have been/will be provided in part. Whether the Afghan power-elite also wants this is becoming increasingly questionable. If the holders of regional power as well as the administration surrounding President Karzai have no real interest in building up the country, how can this then succeed?

What is to follow? The question as to whether Afghanistan ever becomes a democracy, or how political participation could be, must be decided by the Afghan society itself. This also concerns the question of the Taliban's integration. At the best, the intervening countries can promote this long-term process through education and developmental support. However, a political process in a democratic development only has a chance if it becomes an Afghan-Project and not a western

⁹ B. Bliesemann de Guevara/F. Kühn, *Illusion Statebuilding*, a.a.O. 130-136.

import. In this sense, the resolution of the “National Consultative Peace Jirga (NCPJ)” in Kabul from the 2nd to 4th of June 2010 is a significant step of the Afghan society to design Afghanistan’s future. This Peace-Jirga represents the Afghan society more comprehensively than the summit that took place on the Petersberg in December 2001.

Whilst the Afghan society makes their own decisions concerning the framework of the country’s build-up, the International Community only plays a subsidiary role and must orient itself to the requirements and decisions in Afghanistan. In this case, and in reference to organizing the administration in Afghanistan, the German Federal Government speaks of “an investment of international engagement for decades”¹⁰ Should investments in education, economy and building up the administration be sustainable, they must be conceptually designed for decades.

¹⁰ Die Bundesregierung, Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, a.a.O. 48.